

Sec. 28. NEW SECTION. 633.518 PRESUMPTION OF DEATH — PETITION AND INQUIRY.

If a petition is presented by an interested person to a district judge or magistrate alleging that a designated person has disappeared and after a diligent search cannot be found, and if it appears to the satisfaction of the judge or magistrate that the circumstances surrounding the disappearance afford reasonable grounds for the belief that the person has suffered death from accidental or other violent means, the judge or magistrate shall summon and impanel a jury of six qualified persons to inquire into the facts surrounding and the presumption to be raised from the disappearance. If no one submits a petition within forty days of the reported disappearance, a judge or magistrate may submit the petition from personal knowledge of the case.

Sec. 29. NEW SECTION. 633.519 PRESUMPTION OF DEATH — VERDICT AND ENTRY OF ORDER.

If a jury in an inquiry regarding the disappearance of an individual renders a unanimous verdict in writing that sufficient evidence has been presented to them from which it fairly may be presumed that the missing person has met death, and if the judge or magistrate concurs in the verdict, then, after a period of six months has elapsed, the person shall be presumed to be dead and the judge or magistrate shall enter an order to that effect. However, in cases where there is clear and convincing evidence of the presumed death, the judge or magistrate may enter the order prior to the elapsing of the six-month period.

Sec. 30. NEW SECTION. 633.520 PRESUMPTION OF DEATH — NATURAL OR MAN-MADE DISASTER.

A written finding of presumed death of a person resulting from a natural or man-made disaster, made by a local, state, or federal officer or employee authorized to make such a finding, or a duly certified copy of such a finding, shall be received by a judge or magistrate as evidence of the death of the person therein found to be dead, and of the date, circumstances, and place of the disappearance. Upon receipt of such evidence the judge or magistrate may enter an order of presumption of death of the person. Upon presentation of a certified court order, a certificate of death shall be filed pursuant to section 144.26.

Sec. 31. Sections 153.23 through 153.30, Code 2001, are repealed.

Approved April 11, 2002

CHAPTER 1109

ENERGY AND ENVIRONMENTAL RESEARCH AND DEVELOPMENT — IOWA ENERGY CENTER — ALTERNATIVE ENERGY REVOLVING LOAN PROGRAM

H.F. 2587

AN ACT relating to the Iowa energy center, including changes relating to salary adjustments, and promotion and administration of the alternative energy revolving loan program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 266.39C, subsection 3, Code 2001, is amended to read as follows:

3. Iowa state university of science and technology shall employ a director for the center,

who shall be appointed by the president of Iowa state university of science and technology. The director of the center shall employ necessary research and support staff. The director and staff shall be employees of Iowa state university of science and technology. No more than seven hundred thousand dollars of the funds made available by appropriation from state revenues in any one year shall be expended by the center for the salaries and benefits of the employees of the center, including the salary and benefits of the director. The limit on expenditures for salaries and benefits shall be adjusted annually by a percentage equal to the average percentage salary adjustment approved annually by the state board of regents for professional and scientific employees at Iowa state university of science and technology. The remainder of the funds appropriated from state funds shall be used to sponsor research grants and projects submitted on a competitive basis by Iowa colleges and universities and private nonprofit agencies and foundations. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

The director shall prepare an annual report.

Sec. 2. Section 266.39C, subsection 6, Code 2001, is amended by striking the subsection.

Sec. 3. Section 476.10A, Code 2001, is amended to read as follows:

476.10A FUNDING FOR IOWA ENERGY CENTER AND CENTER FOR GLOBAL AND REGIONAL ENVIRONMENTAL RESEARCH.

1. a. The board shall direct all gas and electric utilities to remit to the treasurer of state one-tenth of one percent of the total gross operating revenues during the last calendar year derived from their intrastate public utility operations. The board shall by rule provide a schedule for remittances ~~which shall require that the first remittance be made not before July 1, 1991.~~

b. The amounts collected pursuant to this section shall be in addition to the amounts permitted to be assessed pursuant to section 476.10. The board shall allow inclusion of these amounts in the budgets approved by the board pursuant to section 476.6, subsection 19, paragraph "c".

c. (1) Eighty-five percent of the remittances collected pursuant to this section is appropriated to the Iowa energy center created in section 266.39C.

(2) Fifteen percent of the remittances collected pursuant to this section is appropriated to the center for global and regional environmental research established by the state board of regents.

2. Notwithstanding section 8.33, any unexpended moneys remitted to the treasurer of state under this section shall be retained for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys remitted under this section shall be retained and used for the purposes designated, pursuant to section 476.46.

3. The Iowa energy center and the center for global and regional environmental research shall each provide a written annual report to the utilities board ~~which that~~ describes each center's activities and the results that each center has accomplished. Each report shall include an explanation of initiatives and projects of importance to the state of Iowa.

Sec. 4. Section 476.46, subsection 2, Code 2001, is amended to read as follows:

2. a. An alternate energy revolving loan fund is created in the office of the treasurer of state to be administered by the Iowa energy center.

b. The fund shall include moneys remitted to the fund pursuant to subsection 3 and any other moneys appropriated or otherwise directed to the fund.

c. Moneys in the fund shall be used to provide loans for the construction of alternate energy production facilities or small hydro facilities as defined in section 476.42.

d. (1) A gas or electric utility ~~which that~~ is not required to be rate-regulated shall not be eligible for a loan under this section.

(2) A facility shall be eligible for no more than two hundred fifty thousand dollars in loans outstanding at any time under this program.

e. (1) Each loan shall be for a period not to exceed twenty years, shall bear no interest, and shall be repayable to the fund created under this section in installments as determined by the Iowa energy center. The interest rate upon delinquent payments shall accelerate immediately to the current legal usury limit.

(2) Any loan made pursuant to this program shall become due for payment upon sale of the facility for which the loan was made.

(3) Interest on the fund shall be deposited in the fund. A portion of the interest on the fund, not to exceed fifty percent of the total interest accrued, shall be used for promotion and administration of the fund.

f. Section 8.33 shall not apply to the moneys in the fund.

Approved April 11, 2002

CHAPTER 1110

DISTRICT ASSOCIATE JUDGE JURISDICTION

S.F. 415

AN ACT relating to the jurisdiction of district associate judges.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 602.6306, subsection 2, Code 2001, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars, jurisdiction over involuntary commitment, treatment, or hospitalization proceedings under chapters 125 and 229, jurisdiction of indictable misdemeanors, and class "D" felony violations of section 321J.2, and other felony arraignments, jurisdiction to enter a temporary or emergency order of protection under chapter 236, and to make court appointments and set hearings in criminal matters, jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under chapter 633, and the jurisdiction provided in section 602.7101 when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

Approved April 12, 2002